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December 10, 2003

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**By Hand**

Civil Clerk's Office  
United States District Court  
One Courthouse Way  
Boston, MA 02210

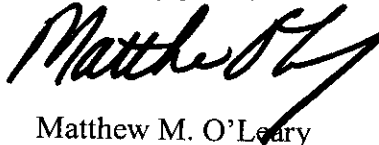
**Re: Eastern Contractors, Inc. v. City of Worcester, et al.  
Civil Action No. 03-CV-12216MLW**

Dear Sir/Madam:

Enclosed for filing in the above-referenced matter are certified copies of the docket entries from the Middlesex Superior Court.

Thank you for your attention to this matter.

Very truly yours,

  
Matthew M. O'Leary

**Enclosures**

cc: David J. Hatem, PC  
Warren D. Hutchison, Esq.  
Edward F. Vena, Esq. (without enclosures)  
Edward J. Quinlan, Esq. (without enclosures)  
David Moore, Esq. (without enclosures)

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03-1422

Eastern Contractors, Inc,

vs.

City Of Worcester, Thomas R. Hoover  
City Manager, Heery Intrnational Inc,  
and Thomas A. Ellis

FILED  
US CLERK'S OFFICE

2003 DEC 10 P 4: 26

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Removal To US District Court

03 CV 12216 MLW UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN CONTRACTORS, INC.,

Plaintiff,

v.

CITY OF WORCESTER and THOMAS  
R. HOOVER, City Manager, and HEERY  
INTERNATIONAL, INC. and THOMAS A.  
ELLIS,

Defendants.

Civil Action No.

NOTICE OF REMOVAL  
PURSUANT TO  
28 U.S.C. § 1441



I HEREBY ATTEST AND CERTIFY ON  
11/12/03  
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE  
AND CORRECT COPY OF THE ORIGINAL ON FILE  
IN MY OFFICE AND IN MY LEGAL CUSTODY.

CLERK, U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BY: *[Signature]*

TO: CLERK OF COURT, UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS AND ALL COUNSEL OF RECORD

Pursuant to 28 U.S.C. § 1441(a), the defendants, Heery International, Inc. and Thomas A. Ellis (collectively, "Heery") hereby give notice of removal of this action from the Massachusetts Superior Court in Middlesex County (Docket No. MICV2003-01422), where it is now pending, to the United States District Court for the District of Massachusetts. In support of this Notice of Removal, the defendants state as follows:

1. On October 9, 2003, Heery was served with a copy of the Amended Verified Complaint. A true and accurate copy of the Amended Verified Complaint with the returns of service is attached as Exhibit A.
2. This Notice is filed pursuant to 28 U.S.C. § 1441 on the grounds that the plaintiff's suit involves claims of which the district courts of the United States have original jurisdiction and claims founded on a claim or right arising under the Constitution, treaties or laws of the United States. 28 U.S.C. § 1441.
3. Specifically, the plaintiff's claims asserted against Heery arise under 42

U.S.C. §§ 1981, 1983, and 1985. The plaintiff has alleged in the Amended Verified Complaint that Heery violated the laws of the United States by: (1) interfering with the plaintiff's right to make and enforce contracts in violation of 42 U.S.C. §§ 1981; (2) depriving the plaintiff of equal protection guaranteed by the Constitution of the United States based on the plaintiff's race in violation of 42 U.S.C. §§ 1983; and, (3) conspiring with the co-defendant, City of Worcester, to deprive the plaintiff of equal protection guaranteed by the Constitution of the United States based on the plaintiff's race in violation of 42 U.S.C. §§ 1985.

4. The plaintiff has also asserted claims against the City of Worcester and Thomas R. Hoover alleging that the City and Hoover violated the laws and Constitution of the United States by: (1) interfering with the plaintiff's right to make and enforce contracts in violation of 42 U.S.C. §§ 1981; (2) depriving the plaintiff of equal protection guaranteed by the Constitution of the United States based on the plaintiff's race in violation of 42 U.S.C. §§ 1983 and the Fourteenth Amendment.; (3) conspiring with Heery to deprive the plaintiff of equal protection guaranteed by the Constitution of the United States based on the plaintiff's race in violation of 42 U.S.C. §§ 1985; (4) retaliating against the plaintiffs in violation of the First and Fourteenth Amendments because the plaintiffs had previously sued the City; and, (5) depriving the plaintiff of its property without due process in violation of the Fourteenth Amendment.

5. This removal is timely under 28 U.S.C. § 1446(b) as it was filed within thirty (30) days of receipt by Heery through service or otherwise of the initial pleading setting forth the plaintiff's claims for relief against Heery upon which this action is based.

6. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, ss. SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. MICV2003-01422

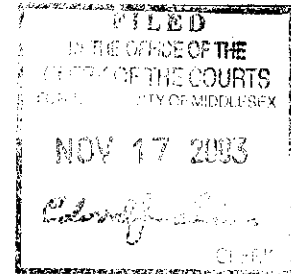
EASTERN CONTRACTORS, INC.,

Plaintiff,

v.

CITY OF WORCESTER and THOMAS  
R. HOOVER, City Manager, and HEERY  
INTERNATIONAL, INC. and THOMAS A.  
ELLIS,

Defendants.



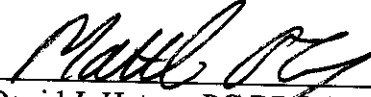
**NOTICE OF FILING OF REMOVAL OF ACTION TO THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

**TO: The Clerk of the above-named Court  
and all Counsel of Record**

PLEASE TAKE NOTICE that on the 10th day of November, 2003, a NOTICE OF REMOVAL pursuant to 28 U.S.C. § 1441 was filed in the United States District Court for the District of Massachusetts. A copy of said NOTICE OF REMOVAL is served herewith.

Respectfully Submitted,  
HEERY INTERNATIONAL, INC. and  
THOMAS A. ELLIS,

By their attorneys,



David J. Hatem, PC BBO # 225700  
Warren D. Hutchison BBO # 246150  
Matthew M. O'Leary BBO # 652033  
DONOVAN HATEM LLP  
Two Seaport Lane  
Boston, MA 02210  
(617) 406-4500

Dated: November 13, 2003

**CERTIFICATE OF SERVICE**

I, Matthew M. O'Leary, hereby certify that on this 13<sup>th</sup> day of November, 2003, I served a copy of the foregoing on all counsel of record by first class mail, postage prepaid.

  
Matthew M. O'Leary